(48)

HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM: HON'BLE SHRI H.L. DATTU, CJ. & HON'BLE SHRI D.R. DESHMUKH, J.

Writ Appeal No.76 of 2007

APPELLANT (Petitioner)	:	Sandeep Kumar Mishra S/o Mahesh Kumar Mishra, aged about 23 years, Occupation Constable, Presently resident of Bodari, Chakarbhata, Bilaspur, District Bilaspur C.G.
		Versus
RESPONDENTS	1.	The State of Chhattisgarh, through the Secretary Home Affairs Department, D.K.S. Bhawan, Raipur C.G.
	2.	The Director General of Police, Police Head Quarter, Raipur C.G.
	3.	The Additional Director General of Police, Police Head Quarter Raipur, C.G.
	4.	The Commandant, 2nd Battalion, Chhattisgarh Armed Force, Sakri, Bilaspur, District Bilaspur C.G.

Appeal under Section 2(1) of the High Court of C.G. Appeal to D.B. Act, 2006 read with Rule 157 (10)(a) of High Court of Chhattisgarh Rules, 2005.

Present : Shri Rakesh Pandey, counsel for the appellant.
Shri N.K. Agrawal, Dy. A.G. for the State.

ORAL ORDER
(Passed on 11th April, 2007)

The following oral order of the Court was passed by **H.L. Dattu, CJ.**

This appeal arises out of an order passed by the learned Single Judge in W.P. No. 4720 of 2004, dated 02-02-2007.

(2) Facts in brief are :

The petitioner was selected and appointed as Constable under the 4th respondent. By order dated 23-09-2004, the 4th respondent has terminated the services of the petitioner solely on the ground that while filing his

application for appointment to the post of constable he had suppressed material facts.

(3) Learned Single Judge after taking note of catena of decisions rendered by the Apex Court has come to the conclusion that the appellant while filing the application was expected to give correct and appropriate information about his suitability for appointment to the post of Constable. In the instant case, though the petitioner was charge-sheeted before the jurisdictional Magistrate, that information was not furnished by the petitioner while filing the application for the post of Constable. In the application form itself there is a column which would authorize the employer to terminate the services of the applicant/appointee if the information furnished by him is found to be incorrect on a later date. Invoking that clause, the employer has terminated the services of the appellant. Learned Single Judge after noticing all these aspects of the matter has come to the conclusion that the order of termination passed by the 4th respondent is justiciable. Having gone through the order passed by the learned Single Judge, we do not think that the learned Single Judge has committed any error whatsoever which would call for our interference in this appeal. Therefore, the appeal requires to be rejected and it is rejected. Ordered accordingly.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge